

JUDGE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	NO. CR05-5381RBL
	)	
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
vs.	)	MOTION TO CONTINUE TRIAL
	)	DATE
MONTORY CALDWELL,	)	
	)	
Defendant.	)	
_____	)	

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).

3. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation of his defense. 18 U.S.C. § 3161(h)(8)(B)(iv).

NOW, THEREFORE,


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ORDER GRANTING STIPULATED MOTION  
TO CONTINUE TRIAL DATE  
*U.S. v. Montory Caldwell*; CR05-5384RBL

1 IT IS HEREBY ORDERED that the trial date is continued from August 30, 2005  
2 to September 19, 2005, at 9:30 am.

3 DONE this 10<sup>th</sup> day of August, 2005.

4   
5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE

7 Presented By:

8  
9  
10 /s/ Jerome Kuh

11 Jerome Kuh  
12 Attorney for Defendant

/s/ David Jennings

David Jennings  
Assistant United States Attorney